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Application No. 09/868978
After Final Office Action of March 8, 2006

Docket No.: 08577-00033-US

REMARKS

Applicant respectfully requests reconsideration in view of the amendment and following remarks. Claims 1, 2 and 8-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 2 and 8-23 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for impregnating a porous membrane with six or more strong acid molecules, does not reasonably provide enablement for impregnating a non-porous molecule. The applicant respectfully traverses these rejections.

The Examiner has asserted that the while the specification is enabling for impregnating a porous membrane with six or more strong acid molecules, does not reasonably provide enablement for impregnating a non-porous molecule. The applicant respectfully disagrees.

As stated in the applicant's last amendment, the applicant has amended the specification to cite U.S. Patent No. 6,352,742 that claimed benefit to JAPANESE PATENT APPLN. HEI 10-125560. Support for amended claim 1 can be found in U.S. Patent No. 6,352,742 at col. 3, lines 11-13 which state,

Preferably, the polymer electrolyte is soluble to a solvent. Specifically, a solution preferably dissolves not less than 1 percent by weight of the polymer electrolyte and further preferably not less than 2 percent by weight. The features facilitates forming a uniform polymer electrolyte membrane without forming pores therein. (emphasis added)

Clearly, the specification supplies support for a non-porous membrane. Furthermore, enclosed is a declaration from Dr. Thomas Schmidt which he states in paragraph no. 4, "One of ordinary skill in the art would understand that this passage supplies support for the phrase 'the membrane is non-porous' ". For the above reasons, these rejections should be withdrawn.

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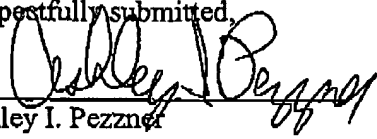
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In view of the above, applicant believes the pending application is in condition for allowance.

A one month extension fee has been paid. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 08577-00033-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 
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Enclosure: Declaration from Dr. Schmidt